

REMARKS

Claims 1 and 5-7 are pending in the application. The final office action dated January 20, 2010 rejects claims 1 and 5-7.

Drawings

The Office Action maintains the objection to the drawings for reasons stated in the Office Action.

The Office Action asserts that the reader finds little correspondence between Figures 1A-1C and 2A-2B, and that Figures 1A-1C do not appear to be a comprehensive sectional view of Figure 2B. In support of this position, the Office Action relies on the fact that few of the numerals in Figures 1A-1C appear in Figures 2A-2B.

Applicant affirms the position that the drawings present different types of views of the same embodiment in varying levels of detail. There is no requirement that the numerals be the same so long as the detail is sufficient to provide for a proper understanding of the disclosed invention. Here, Figures 1A-1C and Figures 2A-2B include common reference numerals which are relevant in understanding the relationship between the drawings, in particular, reference numerals 5-8, 61, 78, 80, and axis 200CL.

The Office Action further indicates that Figures 1A-1C do not appear to be a comprehensive sectional view of Figure 2B. Applicants point out that Figure 2B is a perspective exploded view of the rotor 61 of the isolation portion of the rotary isolation valve 200 of Figures 1A-1C. Many of the elements of Figure 2B (e.g., 202, 204, 205) are not shown in Figures 1A-1C. However, relevant elements 5-8, 78, and 80 are clearly shown in Figures 1A-1C. For example, pin valves 5, 6 of isolation valve 200, which provides flow paths

to/from pin valves 3, 4, respectively, of the injection valve 300, are shown in Figures 1A-1C as well as Figure 2B. Also, fitting 7 to pump 101 and fitting 8 to column 102 are shown in Figures 1A-1C as well as in Figure 2B.

Applicant also refers to Figures 4A and 4B, which illustrate another embodiment of the present invention, but can aid the reader in understanding the elements and operation of the present invention. Although Figures 4A and 4B show a linear isolation valve and linear injection valve instead of a rotary isolation valve and rotary injection valve, the configurations in Figures. 4A and 4B are similar to those described with regard to Figures 1A-1C and 2A-2B, except for linear movement of the valves as opposed to rotary movement. Further, Figures 4A and 4B provide different views as compared to Figures 1A-1C and 2A-2B, further aiding the reader in understanding the drawings. Also, reference numerals 5-8 correspond to reference numerals 5-8 shown in Figures 1A-1C and 2A-2B to assist the reader in further understanding the drawings.

In view of the above, the Applicant respectfully submits that the drawings sufficiently address and overcome the objections raised by the Office Action.

Rejections under 35 U.S.C. § 112

The Office Action rejects claims 1 and 5-7 under 35 USC § 112, first paragraph, as failing to reply with the enablement requirement.

Applicant submits that before any analysis of enablement can occur, it is necessary for the Examiner to construe the claims. Further, during analysis, the Examiner has the burden of providing a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure even when there is no evidence of operability without undue experimentation beyond the disclosed embodiments (see Manual of Patent

Examining Procedure (M.P.E.P.) at Section 2164.04). In doing so, the examiner should specifically identify what information is missing and why one skilled in the art could not supply the information without undue experimentation.

In this case, the Examiner at page 3 of the Office Action makes general assertions that the specification fails to enablingly disclose an operable valve, a pin valve, or flow paths. However, the Office Action provides no indication as to whether the Examiner construed the claims prior to an analysis of enablement. For example, the Examiner asserts that the specification fails to enablingly disclose flow paths. However, flow paths are not being claimed. Thus, the Examiner here has not provided a reasonable explanation as to why the scope of protection provided by the claims is not adequately enabled by the disclosure.

Moreover, the Office Action does not identify missing information and why one skilled in the art could not supply the information without undue experimentation. Rather, the Examiner takes a broad brush approach in attempting to describe why the specification is non-enabling. The only evidence provided is the Examiner's reliance on his 26+ years of experience of successfully understanding other patent applications. However, the Applicant submits that this is an insufficient explanation as to why one skilled in the art could not supply missing information without undue experimentation.

In view of the above, the Applicant respectfully submits that the rejection is overcome and requests that it be withdrawn prior to the 6-month deadline of July 20, 2010. In the absence of allowance, the Applicant will file a Notice of Appeal with the U.S. Patent and Trademark Office.

CONCLUSION

Applicant submits that this paper provides a response for all pending

claims. Any absence of a reply to a specific rejection, issue, or comment, or to any taking of “official notice” or reliance on “common sense”, however, does not signify agreement with or concession of that rejection, issue, comment, taking of “official notice”, or reliance on “common sense”. In addition, because the arguments made above are not exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed (for example, swearing behind one or more of the cited references).

In view of the arguments made herein, the Applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicant’s representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508)303-2003.

Respectfully submitted,

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